

**MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY**

**UNITED STATES OF AMERICA**

**v.**

**KHALID SHAIKH MOHAMMAD,  
WALID MUHAMMAD SALIH MUBARAK  
BIN ‘ATTASH, RAMZI BIN AL SHIBH,  
ALI ABDUL-AZIZ ALI, MUSTAFA  
AHMED ADAM AL HAWSAWI**

**AE 625-6 (MFL)(WBA)**

**Mr. bin ‘Atash’s Motion for Leave to File  
Out of Time Motion to Decline Joinder**

**9 May 2019**

**1. Timeliness:**

This motion is timely filed.

**2. Relief Sought:**

Pursuant to RC 3.5.i(2), Mr. bin ‘Atash respectfully moves for leave to file out of time motion to decline joinder to AE 625(MAH), Motion to Dismiss Because the Military Commissions Act of 2009 is a Bill of Attainder.

**3. Burden of Proof:**

The Defense bears the burden of persuasion. R.M.C. 905(c)(1).

**4. Facts:**

On 12 April 2019, Mr. al Hawsawi filed AE 625, Motion to Dismiss Because the Military Commissions Act of 2009 is a Bill of Attainder.

**5. Argument:**

Mr. bin ‘Atash wishes to decline joinder to AE 625(MAH). Rule of Court 3.5(i)(2) requires a motion for leave to file out of time if a party wishes to decline joinder more than seven days after the filing of the initial motion. The seven-day period from Mr. al Hawsawi’s filing elapsed on 19 April 2019.

6. **Request for Oral Argument:** None.
7. **Request for Witnesses:** None.
8. **Conference with Counsel:** Exempt under RC 3.5(i)(3).
9. **Attachments:**

A. Certificate of Service (1 page).

**10. Signatures:**

/s/  
CHERYL T. BORMANN  
Learned Counsel

/s/  
EDWIN A. PERRY  
Detailed Defense Counsel

/s/  
WILLIAM R. MONTROSS, JR.  
Detailed Defense Counsel

/s/  
SIMON M. CAINE  
Captain, USAF  
Detailed Defense Counsel

# Attachment A

## CERTIFICATE OF SERVICE

I certify that on 9 May 2018, I electronically filed by email with the Trial Judiciary the attached, AE 625-6 (MFL)(WBA), Mr. bin 'Atash's Motion for Leave to File Out of Time Motion to Decline Joinder, and provided copies to all parties.

/s/

CHERYL T. BORMANN  
Learned Counsel